

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

ANTHONY BRADLEY,

Petitioner,
v.
CINDI CURTIN,

Respondent,

Case No. 1:08-13560-BC
HONORABLE THOMAS L. LUDINGTON
UNITED STATES DISTRICT JUDGE

ORDER GRANTING THE MOTION TO AMEND CAPTION

On August 18, 2008, Petitioner Anthony Bradley filed a pro se application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions for first-degree felony murder, armed robbery, and possession of a firearm in the commission of a felony. On September 24, 2008, this Court entered an opinion and order granting Petitioner's motion to hold his habeas petition in abeyance pending the completion of state post-conviction proceedings by Petitioner. The Court also administratively closed the case. On March 24, 2009, this Court reinstated the habeas petition upon Petitioner's request and amended the caption to reflect the name of Petitioner's warden at the time of the reinstatement of the petition, Jeffrey Woods. The Court also ordered Respondent to file an answer to the petition for writ of habeas corpus. On September 23, 2009, Respondent filed an answer to the petition.

On April 20, 2009, Petitioner filed a motion to amend the caption based on the fact that he had been transferred to the E.C. Brooks Facility in Muskegon Heights, Michigan. In reviewing the Michigan Department of Corrections' Offender Tracking Information System (OTIS), which this Court is permitted to take judicial notice of, *See Ward v. Wolfenbarger*, 323 F. Supp. 2d 818, 821 n.3 (E.D. Mich. 2004), it appears that Petitioner has since been transferred to the Oaks Correctional

Facility in Manistee, Michigan.

The only proper Respondent in a habeas case is the habeas Petitioner's custodian, which in the case of an incarcerated habeas Petitioner would be the warden. *See Edwards Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006)(citing *Hogan v. Hanks*, 97 F. 3d 189, 190 (7th Cir. 1996)); *see also* Rule 2(a), 28 foll. U.S.C. § 2254. The warden at Oaks Correctional Facility is Cindi Curtin.

Accordingly, it is **ORDERED** that Petitioner's motion to amend the caption [Dkt. # 8] is **GRANTED**.

The clerk is **DIRECTED** to amend the caption to “*Anthony Bradley v. Cindi Curtin*.”

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 4, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 4, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS